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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/458,248 12/09/99 NICHOLS

G 02103-365001

EXAMINER
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TM01/0606

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N.I.S.	
ART UNIT	PAPER NUMBER

2643

DATE MAILED:

06/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/458,248

Applicant(s)  
George Nichols Dedham et al.

Examiner  
Suhan Ni

Art Unit  
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Dec 9, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-29 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-29 is/are rejected.

7) ☒ Claim(s) 20 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: \_\_\_\_\_

Application No. 09/458,248

The drawings submitted with this application were declared informal by the applicant. Accordingly they have not been reviewed by a draftsman at this time. When formal drawings are submitted, the draftsman will perform a review.

Direct any inquiries concerning drawing review to the Drawing Review Branch ***1-(703)-305-8404***.

Substitute PTO-948

Application No. 09/458,248

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Direct any inquiries concerning drawing review to the Drawing Review Branch *1-(703)-305-8404*.

Substitute PTO-948

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### DETAILED ACTION

1. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group **Art Unit 2643**.

### *Claim Objections*

2. Claim 20 is objected to because of the following informalities: "... with claim 20 ..." in line 1. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1, 5-6, 8, 10-12, 16-17, 21 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Clauson et al. (US-6,179,359).

Regarding claims 1, 11, 21 and 25, Clauson discloses an acoustic assembly for automobile comprising: an electroacoustical transducer (44); and an acoustic element (12), separate from said transducer, and structured to improve the acoustic performance of said transducer; wherein said assembly is an element of a vehicle pillar (Fig. 1).

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Regarding claims 5-6, 8, 10, 12, 16-17 and 23-24, Clauson further discloses the acoustic assembly, wherein said acoustic assembly is a sealed acoustic volume (Fig. 3) of an A-pillar (Fig. 1) as claimed.

***Claim Rejections - 35 USC § 103***

The following is an A quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 13-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clauson et al. (US-6,179,359) in view of Yanagawa (US-4,509,184).

Regarding claims 2-4, 13-15 and 22, Clauson does not clearly show a waveguide as claimed. But Yanagawa discloses a stereo sound system for automobile comprising a waveguide (Figs. 3A and 4A). Therefore it would have been obvious to one skilled in the art at the time the invention was made to provide waveguide for the acoustic assembly taught by Clauson, in order to provide desirable acoustic sound for users.

5. Claims 7, 9, 18-20 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clauson et al. (US-6,179,359) in view of Murayama et al. (US-5,297,212).

Regarding claims 7, 9, 18, 20 and 26-29, Clauson does not clearly show a second or and third acoustic transducer as claimed. But Murayama discloses a loudspeaker system for automobile comprising at least a second transducer (1, 2). Therefore it would have been obvious

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to one skilled in the art at the time the invention was made to provide the second, or and third transducer for the acoustic assembly taught by Clauson as an alternate choice, for providing a better acoustic effect for the assembly.

Regarding claims 19, Clauson further discloses the acoustic assembly, wherein said acoustic assembly is a sealed acoustic volume (Fig. 3) of an A-pillar (Fig. 1) as claimed.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

  
**SINH TRAN**  
**PRIMARY EXAMINER**

SN

June 2, 2001